



# Fact Sheet



Commonwealth of Pennsylvania • Department of Environmental Protection

## CLEAN FILL MATERIALS

### What is Clean Fill?

Clean fill is defined in the department's policy "Management of Fill", Document Number 258-2182-773, as uncontaminated, nonwater-soluble, nondecomposable inert solid material. Clean fill includes soil, rock, stone, dredged material, used asphalt, and brick, block or concrete from construction and demolition activities that is separate from other waste and recognizable as such.

Clean Fill used in accordance with the Management of Fill policy is not managed as waste and therefore, not subject to a Solid Waste Management Act permit. The material may be used unrestricted and unregulated under the act and its regulations. The use of clean fill includes the transportation, processing, storage, management and placement of clean fill.

The clean fill definition could also include unused material such as baghouse dust from rock crushing operations, dry pieces or off-spec concrete products from batch plants, and materials of natural origin that have been physically processed to produce a product, such as roofing slate and off-spec or broken bricks from standard manufacturing processes, that have been determined to be clean fill in accordance with the Management of Fill policy. It should be noted that unused asphalt would not meet the definition of clean fill.

### Determination of Clean Fill

Environmental due diligence, as defined in the Management of Fill policy, must be performed to determine whether material can be managed as clean fill, or will be

subject to regulation under a solid waste management permit. If the due diligence shows that there is no evidence that the material was subject to a release of a regulated substance, the material may qualify as clean fill. However, if due diligence shows evidence of a release of a regulated substance, testing must be performed to demonstrate that the material does not contain concentrations of regulated substances that exceed the concentration limits for clean fill specified in the Management of Fill policy. Materials that contain intentionally released regulated substances cannot be managed under this policy. Dredged materials in particular contain different contaminants depending on their source. Although not mandatory, it is advisable to contact the department's regional office for advice prior to qualifying dredged material as clean fill.

Clean fill does not include decomposable material such as dimensional lumber, land clearing wood materials or mixed demolition waste that is not recognizable as inert solid material. Such materials must be managed under a permit, a general permit for beneficial use, a permit-by-rule, or under existing technical guidance. In addition, any materials placed in waters of the Commonwealth are not considered clean fill unless otherwise authorized by the department. Additional information is available in a question-and-answer format on the department's website: <http://www.dep.state.pa.us/dep/deputate/air/waste/wm/mrw/docs/CleanFillQA.htm>

### Management of Clean Fill

- 1) Use of material as clean fill does not require a permit under the Solid Waste Management Act and its regulations. The use of materials as clean fill is still regulated under other environmental laws and regulations. A person using materials as clean fill under the policy is still subject to and must comply with all applicable requirements governing the placement or use of material as clean fill, such as Chapter 102 (Erosion and Sediment Control) and Chapter 105 (Dam Safety and Waterway Management).
- 2) Any person placing clean fill that has been affected by a release of a regulated substance on a property must certify the origin of the fill material and results of analytical testing to qualify the material as clean fill. The owner of the property receiving the clean fill must retain the certification and test results.
- 3) Best management practices (BMPs) must be followed prior to demolition activities of buildings, factories, and other structures to remove materials like lead-based paint surfaces, friable asbestos, and hazardous materials such as mercury switches, PCB ballasts and fluorescent light bulbs from a building if the brick, block, or concrete is to be used as clean fill. This initial segregation is an essential step to avoid contamination of the brick, block, or concrete, and thus precluding their use as clean fill.
- 4) Clean fill may not contain any free liquids based on visual inspection, and shall not create public nuisances (for example, objectionable odors) to users of the receiving property or adjacent properties.

For more information, visit DEP's website at [www.dep.state.pa.us](http://www.dep.state.pa.us), Keyword: "DEP residual waste."